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NOV 06 2006

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ALEC B. PLUMB*

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ATTN: **MAIL STOP AMENDMENT**

COMPANY: **COMMISSIONER FOR PATENTS / P.O. Box 1450, ALEXANDRIA VA 22313-1450**

FAX: **1 (571) 273-8300**

DATE: **11-06-2006**

TIME: **5:40 PM**

- ☐ WITH CONFIRMATION
☒ WITHOUT CONFIRMATION

RE: **APPLICATION No. 10/750,248**

FILED: December 31, 2003

I hereby certify that this document and all documents listed below are being transmitted via facsimile to Commissioner for Patents, fax no. (571) 273-8300, on **November 6, 2006**

By: *Jennie Heaton*
Jennie Heaton

SUBMITTED HERewith FOR THE ABOVE-CAPTIONED APPLICATION:

- Transmittal Form
- Notice of Non-Compliant Amendment (3 Pgs.)
- Corrected "Amendments to the Claims" Section of Previously Filed Response (3 Pgs.)

Respectfully submitted,

Ad Ds

Andrew D. Fortney, Ph.D.; Reg. No. 34,600

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PTO/SB/21 (07-08)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number

10/750,248

Filing Date

December 31, 2003

First Named Inventor

Sang Woo NAM

Art Unit

1751

Examiner Name

Webb, Gregory E.

Attorney Docket Number

PIA31180/DBE/US

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ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

• Fax Transmission Cover Page

• Notice of Non-Compliant Amendment

• Corrected "Amendments to the Claims" Section

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

The Law Offices of Andrew D. Fortney, Ph.D., P.C.

Signature



Printed name

Andrew D. Fortney, Ph.D.

Date

11-08-2006

Reg. No.

34,600

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Typed or printed name

Jennie Heaton

Date

11-08-2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,248	12/31/2003	Sang Woo Nam	PLA31180/DBE/US	8857

36872 7390 10/04/2006

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FRESNO, CA 93711-5835

EXAMINER

WEBB, GREGORY H

A/C UNIT

PAPER NUMBER

1751

DATE MAILED: 10/04/2006

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Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
OCT 10 2006
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Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/750248

Applicant(s)

Examiner

GREGORY WEBB

Art Unit

1751

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 25 September 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: clms 1-8 and 17 are missing.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given no new time period if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
- Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Mortie F. Taylor

Mortie F. Taylor

571-272-1053

Legal Instruments Examiner (LIE), if applicable

Telephone No.

U.S. Patent and Trademark Office

Part of Paper No.